

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 16, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDGAR OMAR HERRERA FARIS

Defendant.

No. 4:15-CR-6049-EFS-16

**ORDER GRANTING THE
GOVERNMENT'S REQUEST TO
CONTINUE HEARING**

The parties filed the required joint notice relating to Defendant's Motion to Withdraw Guilty Plea. ECF No. 1278, 1315. The Government requests additional time to properly investigate the ineffective assistance of counsel claims raised by Defendant, including obtaining information from prior defense counsel Peter Schweda and Sam Swanberg and defense investigator Larry Valadez. ECF No. 1315. Given the seriousness of the allegations raised in Defendant's Motion to Withdraw Guilty Plea and the motion's potential significant ramifications, the Court finds good cause to continue the hearing on Defendant's Motion to Withdraw Guilty Plea to September 9, 2019.

1 The parties advised that discovery is likely to be conducted, given the
2 continuance of the hearing. The parties did not state whether there is disagreement
3 about the nature and scope of the discovery that may be conducted pursuant to the
4 Court's August 15, 2019 Order Regarding the Scope of Defendant's Waiver of the
5 Attorney-Client Privilege. ECF Nos. 1314–1315. If a discovery issue or other matter
6 related to Defendant's Motion to Withdraw Guilty Plea arises, any such motion shall
7 be filed by August 21, 2019.

8 **IT IS HEREBY ORDERED:**

- 9 1. The Government's request, **ECF No. 1315**, to continue the hearing on
10 Defendant's Motion to Withdraw Guilty Plea is **CONSTRUED** as a
11 motion and is **GRANTED**.
- 12 2. The August 19, 2019 hearing on Defendant's Motion to Withdraw Guilty
13 Plea, **ECF No. 1278**, is **RESET** to **September 9, 2019, at 10:00 a.m.**
14 **in RICHLAND**.
- 15 3. Any motion relating to Defendant's Motion to Withdraw Guilty Plea,
16 ECF No. 1278, must be filed by **August 21, 2019**, and noted for hearing
17 without oral argument on **August 28, 2019**. Any response shall be filed

18 //

19 //

20 //

21 //

22 //

1 by **August 23, 2019**. Any reply shall be filed by **noon on August 26,**
2 **2019**.

3 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
4 provide copies to counsel, the U.S. Probation Office, and the U.S. Marshals Office.

5 **DATED** this 16th day of August 2019.

6
7 s/Edward F. Shea
8 EDWARD F. SHEA
9 Senior United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22